

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

<b>MCLAREN HEALTH CARE CORP.,</b>  Plaintiff,  vs.  <b>GARTNER, INC.,</b>  Defendant.	<b>2:21-CV-12598-TGB-CI</b>  HON. TERRENCE G. BERG  <b>ORDER REQUIRING SUPPLEMENTAL BRIEFING</b>
---	--

The Court having reviewed the briefing of the parties concerning Defendant's Motion to Dismiss, and finding that it would be beneficial to the consideration of the question to invite the parties to address specific questions in greater detail in lieu of oral argument, **IT IS HEREBY ORDERED** that the parties shall submit supplemental briefs, not to exceed ten (10) pages, directed toward answering the following questions:

1. Regarding the arguments made at ECF No. 16, PageID.250-51 (Defendant) and ECF No. 13, PageID.222-24 (Plaintiff), what additional authorities can you find to support your positions? In the event that the Court were to conclude that the indemnification clause applies to first-party claims and is not limited to personal injury or damage to property, please explain in further detail your

positions as to whether a viable negligence claim is required to trigger Defendant's potential duty to indemnify.

2. If the Court were not to accept Plaintiff's indemnification argument, do both parties agree that damages would be limited to the fees Plaintiff paid to Defendant under the Statements of Work at issue here? If not, discuss what other theories of damages you believe would apply.

Each party shall submit one brief, not to exceed ten pages, by August 30, 2022.

**IT IS SO ORDERED.**

Dated: August 22, 2022     s/Terrence G. Berg  
TERRENCE G. BERG  
UNITED STATES DISTRICT JUDGE